

Message Text

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ACTION SS-15

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DLOS-04 EB-07 COME-00 OFA-01 TRSE-00 SCA-01 SCS-03

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FM AMEMBASSY PANAMA

TO SECSTATE WASHDC IMMEDIATE 5029

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FOR T-UNDERSECRETARY MAW

PLEASE ALSO PASS COMMERCE, MR. CARMEN BLONDIN

PLEASE ALSO PASS USCG COMMANDANT WASHDC

E.O. 11652: N/A

TAGS: EFIS, PFOR, PA

SUBJECT: TUNA-US GROUP DISCUSSIONS WITH GOP

REF: WEST-GANTZ TELECON (SEPTEMBER 4, 1975, 1800Z)

1. SUMMARY: U.S. GROUP (GANTZ, HOWARD, HALLMAN, MORHARD AND EMBASSY ECONOMIC COUNSELOR PANOS) MET WITH GOP CINTINGENT FOR 2-1/2 HOURS AT MINISTRY FOLLOWED BY LUNCHEON AT RESIDENCE OF ECONOMIC COUNSELOR. GOP GROUP HAD OBVIOUSLY RECEIVED WORD FROM HIGHEST LEVELS TO BE FORTHCOMING AND COOPERATIVE. US GROUP REVIEWED U.S. EXPERIENCE WITH ENFORCEMENT PROBLEM IN DETAIL, EXPLAINED CURRENT CONCERN WITH VIOLATION BY OTHER COUNTRIES, REVIEWED ESSENTIAL ELEMENTS OF U.S. LAW AND TABLED DRAFTS OF PROPOSED BILATERAL COOPERATION AGREEMENT (SEPTTEL) AND DOCUMENT LIMITED OFFICIAL USE

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ENTITLED "ESSENTIAL ELEMENTS OF AN ENFORCEMENT PROGRAM" IN ENG-

LIST AND SPANISH. GOP OFFICIALS ASSURED US THAT THEY NOW UNDERSTOOD PROBLEM, ARE FULLY IN AGREEMENT IN SUBSTANCE WITH WHAT WE HAVE SAID, AND WILL STUDY CAREFULLY OUR PROPOSALS IN TERMS OF FORM AND IMPLEMENTATION WITH AN EYE TOWARD PROMPT ACTION. US GROUP EXPECTS TO MEET WITH GOP GROUP AGAIN FRIDAY MORNING TO RECEIVE PRELIMINARY REACTIONS AND ANSWER ANY QUESTIONS THAT MAY ARISE. WE BELIEVE GOP OFFICIALS AT ALL LEVELS ARE COMMITTED TO ACTION IN THIS AREA. END SUMMARY.

2. US GROUP MET WITH GOP GROUP HEADED BY VICE MINISTER/LEVEL ADVISOR, MINISTRY OF COMMERCE AND INDUSTRY JOSE CABRERA AT MINISTRY OF COMMERCE AND INDUSTRY. DR. CARLOS ARELLANO LENNOX, DIRECTOR GENERAL DE RECURSOS MARINOS, MINISTRY OF COMMERCE AND INDUSTRY; LIC. JUAN OBARRIO, ASESOR DE PESCA, MINISTRY OF COMMERCE AND INDUSTRY; MR. ANTONIO TERNES DE REUTER, DIRECTOR DE TRADUCCION Y CIFRAS, MINISTERIO DE RELACIONES EXTERIORES; MR. PANAMA ANGEL KOURUKLIS B, DIRECTOR, DIRECCION CONSULAR Y NAVES, AND MR. RAFAEL A. DOMINGUEZ, LEGAL ADVISOR, BOTH OF MINISTERIO DE HACIENDA Y TESORO; AND CAPTAIN JOSE MOTA, IN CHARGE MARINE OPERATIONS, OF THE GUARDIA NACIONAL, WERE ALSO PRESENT. WE THANKED GOP FOR GENERAL TORRIJOS INVITATION TO DISCUSS WITH THEM COOPERATIVE MEASURES FOR THE ENFORCEMENT BY PANAMA OF ITS OBLIGATIONS UNDER THE TUNA CONVENTION. US GROUP (PRINCIPALLY HOWARD) EXPLAINED IN DETAIL U.S. EXPERIENCE WITH ENFORCEMENT OF CONVENTION AND COMMISSION REGULATIONS, INDICATING THAT THE FACT THAT NON-U.S. FLAG VESSELS NOW ACCOUNTED FOR ABOUT 35 PERCENT OF TOTAL YELLOWFIN TUNA CATCH WITHIN CYRA (INSTEAD OF 5 PERCENT TEN YEARS AGO) MADE IT ESSENTIAL THAT OTHER FLAG STATES ESTABLISH EFFECTIVE ENFORCEMENT MEASURES. U.S. GROUP EXPLAINED URGENCY OF PROBLEM IN LIGHT OF EVENTS OF PAST FEW WEEKS, EMPHASIZING UNFAIRNESS OF SITUATION IN WHICH U.S. FISHERMEN ARE PLACED AND THE POLITICAL AND LEGAL PRESSURES THEY ARE PLACING ON USG TO APPLY IMPORT EMBARGOES AND SUSPEND U.S. REGULATIONS. WE EMPHASIZED THAT FOR BOTH ECONOMIC AND POLITICAL REASONS USG WANTED TO AVOID EMBARGO AS WELL AS SUSPENSION OF REGULATIONS WHICH COULD THREATEN ENTIRE MULTILATERAL CONSERVATION PROGRAM. THERE WAS ALSO EXTENSIVE DISCUSSION OF MECHANICS OF U.S. ENFORCEMENT, INCLUDING FINE AND PENALTY STRUCTURE AND REVIEW OF SPECIFIC CASES OF VIOLATIONS.

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3. GOP OFFICIALS APPEARED TO UNDERSTAND FULLY BOTH TECHNICAL AND POLITICAL ASPECTS OF PROBLEM. THEY EXPLAINED THAT PANAMANIAN LAW ALREADY PROVIDES CRIMINAL PENALTIES FOR VIOLATION OF PANAMANIAN FISHING LAWS OR VIOLATIONS OF PANAMANIAN OBLIGATIONS UNDER INTERNATIONAL CONVENTIONS, INCLUDING FINES, LOSS OF PANAMANIAN REGISTRY, AND EVEN CONFISCATION OF VESSEL. (LAW AT PRESENT APPARENTLY DOES NOT REPEAT NOT PROVIDE FOR CONFISCATION OF CATCH). HOWEVER, THEY

NOTED THAT LAW HAD NOT BEEN MODERNIZED WITH RESPECT TO PROVIDING FOR OBTAINING THE INFORMATION REQUIRED BY PANAMANIAN AUTHORITIES SO THAT LATTER COULD DETERMINE WHETHER CONVENTION AND COMMISSION RESOLUTIONS WERE BEING COMPLIED WITH. THEY INDICATED GREAT RECEPTIVITY TO COOPERATION WITH USG IN FORM THAT WOULD HELP GOP OBTAIN NECESSARY INFORMATION TO ENFORCE COMPLIANCE.

4. U.S. GROUP NOTED USG WILLINGNESS TO COOPERATE WITH GOP IN PROVIDING DETAILED INFORMATION ON VESSEL LOCATIONS, AND EXPLAINED US NAVY, COAST GUARD AND COMMERCE FUNCTIONS IN THIS RESPECT. INSPECTION PROCEDURES RELATED TO UNLOADINGS WERE ALSO DISCUSSED IN SUFFICIENT DETAIL TO INDICATE THAT THIS ASPECT OF ENFORCEMENT NOT LIKELY TO BE PROBLEM. GOP OFFICIALS ASKED EXTENSIVE QUESTIONS ABOUT INSPECTION PROCEDURES AND POSITION REPORTING; THERE APPEARED TO BE NO IMMEDIATE NEGATIVE REACTION TO USE OF US NAVY TRIANGULATION OR USCG FLIGHTS PROVIDING GOP RADIO STATION WOULD RECEIVE REPORTS, AT LEAST NOMINALLY, AND SOME WAY COULD BE FOUND FOR GOP OFFICIAL (PERHAPS MILITARY OFFICER) TO PARTICIPATE IN SURVEILLANCE FLIGHTS. OFFICIALS ALSO INTERESTED IN FINANCIAL ASPECTS OF ENFORCEMENT (ESPECIALLY WHETHER FEES CHARGED BY U.S. WE INDICATED THAT U.S. VESSELS DID REIMBURSE NMFS FOR SOME INSPECTIONS MADE IN LATIN AMERICAN PORTS AND THAT PANAMA MIGHT CONSIDER AN ENFORCEMENT PROGRAM WHICH IS SELF-SUPPORTING) WE ALSO REVIEWED EXTENT OF OUR DISCUSSIONS TO DATE WITH CANADA AND OTHER AFFECTED COUNTRIES. WE INDICATED THAT IN GENERAL ENFORCEMENT PROGRAM COULD BE SELF-SUPPORTING.

5. TOWARD END OF MORNING SESSION U.S. GROUP TABLED DRAFT BILATERAL AGREEMENT (SEPTTEL) AND SEPARATE DOCUMENT LISTING ESSENTIAL ELEMENTS OF CONSERVATION PROGRAM. GOP OFFICIALS PROMISED TO GIVE BOTH CAREFUL STUDY. ARRANGEMENTS WERE MADE FOR A SECOND SESSION FRIDAY MORNING, TO GET PRELIMINARY REACTIONS AND ANSWER QUESTIONS LIMITED OFFICIAL USE

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THAT MAY ARISE. IT IS LIKELY TO TAKE GOP SEVERAL DAYS TO DIGEST MATERIAL PRESENTED AND TO GIVE TO USG DETAILED COMMENTS ON OUR PROPOSALS.

6. MORNING SESSION IMMEDIATELY FOLLOWED BY INFORMAL LUNCHEON AT ECONOMIC COUNSELOR'S RESIDENCE, WHICH AFFORDED MEMBERS OF U.S. GROUP ADDITIONAL OPPORTUNITY TO DISCUSS ISSUES WITH INDIVIDUAL MEMBERS GOP TEAM, INCLUDING ISSUES RAISED REF. A. IN THIS RESPECT, WE BELIEVE GOP WILL BE WILLING TO PROVIDE US INFORMALLY WITH WHAT INFORMATION THEY HAVE ON OWNERSHIP OF PANAMANIAN FLAG VESSELS, ALTHOUGH IN SOME CASES EXISTENCE OF PANAMANIAN CORPORATIONS WITH "BEARER" SHARES MAY MAKE TRACING DIFFICULT. THERE ARE LIKELY TO BE SOME PANAMANIAN SENSITIVITIES TO USG ESTABLISHMENT OF JURISDICTION OVER US CITIZEN CAPTAINS AND CREWS ON PANAMANIAN FLAG VESSELS, UNLESS THERE IS PROVISION IN BILAT-

ERAL AGREEMENT FOR COOPERATION IN PROSECUTING OF VIOLATIONS, EXCHANGE OF EVIDENCE, ETC. GOP HAS APPARENTLY HAD PROBLEMS WITH OTHER COUNTRIES ATTEMPTING TO PUNISH CRIMES COMMITTED ON PANAMANIAN FLAG VESSELS ON HIGH SEAS, AND IS THUS A BIT SENSITIVE ON THE ISSUE. GANTZ HOPES TO DISCUSS THIS QUESTION FURTHER WITH CABRERA ON FRIDAY.

7. REGARDING JOINT INSPECTION, WE BELIEVE THAT IF GOP IS WILLING TO PERMIT JOINT INSPECTION OF US FLAG VESSELS OFFLOADING OR TRANSSHIPPING IN PANAMANIAN WATERS-- AND WE SHOULD HAVE A BETTER IDEA OF THIS TOMORROW--IT SHOULD BE POSSIBLE TO ESTABLISH INFORMALLY JOINT INSPECTION OF PANAMANIAN FLAG VESSELS THAT ARE BENEFICALLY OWNED BY U.S. CITIZENS. BROAD COOPERATIVE AGREEMENT SHOULD PROVIDE NECESSARY FRAMEWORK.

8. COMMENT: US GROUP WAS VERY PLEASED WITH POSITIVE GOP ATTITUDE DURING COURSE OF MEETINGS AND LUNCHEON. IT IS OBVIOUS THAT THEY HAD BEEN INSTRUCTED TO BE COOPERATIVE, NOT ONLY IN DISCUSSING SUBJECT BUT IN IMPLEMENTING A PROGRAM ONCE ITS ELEMENTS CAN BE CONSTRUCTED. IT WILL, OF COURSE, BE NECESSARY TO PURSUE THE ISSUE WITH THE RESPONSIBLE OFFICIALS, BUT WE BELIVE A GOOD BEGINNING HAS BEEN MADE. THESE GOP OFFICIALS, WE FEEL, FULLY UNDERSTAND THE PROBLEM AND ARE COMMITTED TO DEVISING A PROGRAM WHICH WILL PERMIT PANAMANIAN ENFORCEMENT OF THE CONVENTION.
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